



Sen. Michael Noland

Filed: 3/15/2013

09800SB1417sam001

LRB098 07609 OMW 43056 a

1 AMENDMENT TO SENATE BILL 1417

2 AMENDMENT NO. _____. Amend Senate Bill 1417 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Protection District Act is amended by
5 changing Section 8.20 as follows:

6 (70 ILCS 705/8.20)

7 Sec. 8.20. Open burning.

8 (a) The board of trustees of any fire protection district
9 incorporated under this Act may, by ordinance, require that the
10 district be notified of open burning within the district before
11 it takes place, but shall not require that a permit for open
12 burning be obtained from the district. The district may not
13 enforce an ordinance adopted under this Section within the
14 corporate limits of a county with a population of 3,000,000 or
15 more or a municipality with a population of 1,000,000 or more.

16 (b) The fire department of a fire protection district may

1 extinguish any open burn that presents a clear, present, and
2 unreasonable danger to persons or adjacent property or that
3 presents an unreasonable risk because of wind, weather, or the
4 types of combustibles. The unreasonable risk may include the
5 height of flames, windblown embers, the creation of hazardous
6 fumes, or an unattended fire. Fire departments may not
7 unreasonably interfere with permitted and legal open burning.

8 (c) The fire protection district may provide that persons
9 setting open burns on any agricultural land with an area of 50
10 acres or more may voluntarily comply with the provisions of an
11 ordinance adopted under this Section.

12 (d) The fire chief or any other designated officer of a
13 fire department of any fire protection district incorporated
14 under this Act may, with the authorization of the board of
15 trustees of the fire protection district, prohibit open burning
16 within the district on an emergency basis, for a limited period
17 of time, if (i) the atmospheric conditions or other
18 circumstances create an unreasonable risk of fire because of
19 wind, weather, or the types of combustibles and (ii) the
20 resources of the fire department are not sufficient to control
21 and suppress a fire resulting from one or more of the
22 conditions or circumstances described in clause (i) of this
23 subsection. For the purposes of this subsection, "open burning"
24 includes, but is not limited to, the burning of landscape
25 waste, agricultural waste, household trash, and garbage.

26 (e) The fire chief or any other designated officer of a

1 fire department of any fire protection district incorporated
2 under this Act may fix, charge, and collect fees associated
3 with the fire department extinguishing an open burning that is
4 prohibited under subsection (d) of this Section. The fee may be
5 imposed against any person causing or engaging in the
6 prohibited activity, or the owner of the property on which the
7 open burning took place who has actual knowledge that the
8 prohibited activity is occurring. The total amount collected
9 for compensation of the fire protection district shall be
10 assessed in accordance with both the rates provided in
11 subsection (c) of Section 11f of this Act and the fire chief's
12 determination of the cost of personnel and equipment utilized
13 to extinguish the fire.

14 This Section does not authorize the open burning of any
15 waste. The open burning of waste is subject to the restrictions
16 and prohibitions of the Environmental Protection Act and the
17 rules and regulations adopted under its authority.

18 (Source: P.A. 97-488, eff. 1-1-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."